



STATE OF WISCONSIN Assembly Journal

Ninety-Eighth Regular Session

3:15 P.M.

TUESDAY, May 29, 2007

The Assembly met in the Assembly Chamber located in the State Capitol.

Representative Kleefisch in the chair.

The Assembly dispensed with the call of the roll.

AMENDMENTS OFFERED

Assembly amendment 1 to **Assembly Bill 49** offered by Representative Friske.

Assembly substitute amendment 1 to **Assembly Bill 65** offered by committee on **Colleges and Universities**.

Assembly amendment 1 to **Assembly Bill 283** offered by Representative Gunderson.

ADMINISTRATIVE RULES

Assembly Clearinghouse Rule 06–053

Relating to nursing homes and affecting small businesses. Submitted by Department of Health and Family Services. Report received from Agency, May 17, 2007. To committee on **Aging and Long Term Care**. Referred on May 29, 2007.

Assembly Clearinghouse Rule 06–135

Relating to dealer facilities, records, and licenses. Submitted by Department of Transportation. Report received from Agency, May 14, 2007. To committee on **Transportation**. Referred on May 29, 2007.

INTRODUCTION AND REFERENCE OF PROPOSALS

Read first time and referred:

Assembly Joint Resolution 56

Relating to: prohibiting the supreme court from assessing fees on attorneys, judges, or justices without statutory authority.

By Representatives Albers, Gundrum, Owens and Vos; cosponsored by Senators Grothman, Schultz and A. Lasee.

To committee on **Elections and Constitutional Law**.

Assembly Bill 356

Relating to: requiring the Department of Transportation to establish rules allowing living will and health care power of attorney information to be included on driver's licenses, extending the time limit for emergency rule procedures, providing an exemption from emergency rule procedures, providing an exemption from rule-making procedures, and granting rule-making authority.

By Representatives Vruwink, Shilling, Suder, Sheridan, Boyle, Pope–Roberts, Molepske, Travis, Pocan, Gunderson, Berceau, Sinicki, Albers and Wood; cosponsored by Senators Kreitlow, Lassa, Lehman, Risser and Erpenbach.

To committee on **Transportation**.

Assembly Bill 357

Relating to: judicial review of an administrative suspension of driving privileges.

By Representatives Gundrum, Staskunas, A. Ott, Lothian, Hines, J. Ott, Mursau, Townsend, Berceau and Petrowski; cosponsored by Senator Leibham.

To committee on **Judiciary and Ethics**.

Assembly Bill 358

Relating to: exempting residential lifts from the statutes regulating the installation and operation of elevators and similar conveyances, rules implementing the statutes regulating the installation and operation of elevators and similar conveyances, and delaying the effective date for statutes regulating the installation and operation of elevators and similar conveyances.

By Representatives Kleefisch, Nass, Albers, Davis, Gunderson, Hahn, Kerkman, LeMahieu, Lothian, Nerison, Suder, Townsend and Turner; cosponsored by Senators Plale, Grothman, Ellis, Kapanke, Kedzie and Olsen.

To committee on **Small Business**.

Assembly Bill 359

Relating to: the preference systems for issuing Class A bear licenses, bobcat hunting and trapping permits, fisher trapping permits, and otter trapping permits.

By Representatives Gunderson, Suder, Ballweg, Bies, Albers, Hahn, Hines, A. Ott, Musser, Petrowski and Vruwink; cosponsored by Senators Miller, Kedzie, Schultz, Cowles and Olsen.

To committee on **Natural Resources**.

Assembly Bill 360

Relating to: disclosure of terms and conditions applicable to the use of gift certificates, gift cards, and other gift obligations and providing penalties.

By Representatives Gunderson, Moulton, Albers, Berceau, Bies, Boyle, Cullen, Fields, Grigsby, Gronemus, Hahn, Kerkman, Kestell, Kleefisch, LeMahieu, Musser, Nass, Nygren, Newcomer, A. Ott, Owens, Petrowski, Sheridan, Strachota, Tauchen, Van Roy, Vos, A. Williams and Davis; cosponsored by Senators Sullivan, Breske, Darling, Harsdorf, Grothman, Kanavas, Kedzie, Kreitlow, A. Lasee, Olsen, Plale and Taylor.

To committee on **Small Business**.

Assembly Bill 361

Relating to: child in need of protection or services, jurisdiction over a child whose guardian is unable or needs assistance to care for or provide necessary special treatment or care for the child, but is unwilling or unable to sign a petition requesting that jurisdiction.

By Representative Albers; cosponsored by Senator Schultz.

To committee on **Children and Family Law**.

Assembly Bill 362

Relating to: providing financial aid to military families, creating an individual income tax checkoff for the military family relief fund, providing an exemption from emergency rule procedures, granting rule-making authority, and making an appropriation.

By Representatives Musser, Molepske, Townsend, Sherman, Petrowski, Boyle, Bies, Turner, Hubler, Pridemore, Kreuser, Owens, Richards, Gunderson, Grigsby, Wood, Zepnick, Albers, Hraychuck, Murtha, Fields, Hahn, Hebl, Kleefisch, Berceau, Ballweg, Jorgensen, Nass, Van Akkeren, Mursau, Seidel, Jeskewitz, Shilling, A. Ott, Vruwink, Hines, Soletski, Nelson, Hixson, Travis, Sheridan, Sinicki, Staskunas, Krusick, Garthwaite and Hintz; cosponsored by Senators Sullivan, S. Fitzgerald, Coggs, Carpenter, Plale, Roessler, Erpenbach, Schultz, Hansen, Lassa and Vinehout.

To committee on **Veterans and Military Affairs**.

Assembly Bill 363

Relating to: limiting the scope of direct legislation.

By Representatives Kleefisch, J. Fitzgerald, Townsend, Nass and Albers; cosponsored by Senator S. Fitzgerald.

To committee on **Urban and Local Affairs**.

Assembly Bill 364

Relating to: charges for inmate telephone use at a jail or house of correction.

By Representatives Kessler, Grigsby, Turner, Fields, A. Williams and Young.

To committee on **Corrections and Courts**.

Assembly Bill 365

Relating to: expanding eligibility for the veterans and surviving spouses property tax credit.

By Representatives Musser, Hubler, Bies, Boyle, Turner, Townsend, Gundrum, Sinicki, Lothian, Sheridan, Hines, Gunderson, Hebl, Benedict, Nygren, A. Ott, Van Roy and

Hintz; cosponsored by Senators Sullivan, Erpenbach, A. Lasee, Schultz, Roessler, Breske, Plale, Leibham and Lassa.

To committee on **Veterans and Military Affairs**.

Assembly Bill 366

Relating to: sentencing for crimes on school premises and providing a penalty.

By Representatives Staskunas, Musser, Sheridan, Gunderson, Jeskewitz, Townsend, Hixson, A. Ott and Smith; cosponsored by Senators Carpenter, Roessler, Schultz, Darling, Hansen, Plale, Leibham and Sullivan.

To committee on **Education**.

Assembly Bill 367

Relating to: trespass on school premises and providing a penalty.

By Representatives Staskunas, Musser, Zepnick, Sheridan, Bies, Ballweg, Albers, Gunderson, Jeskewitz, Townsend, Hixson, A. Ott and Smith; cosponsored by Senators Carpenter, Roessler, Schultz, Darling, Hansen, Plale, Lassa and Sullivan.

To committee on **Education**.

Assembly Bill 368

Relating to: the time period to petition to review an administrative decision.

By Representatives Albers, Vos, Hahn, Townsend and Owens; cosponsored by Senators A. Lasee and Roessler.

To committee on **Judiciary and Ethics**.

Assembly Bill 369

Relating to: income and franchise tax credits for insulating concrete forms used to construct a building and energy efficient products.

By Representatives Albers, Hahn, Wood, Gunderson, Owens and Townsend; cosponsored by Senators Leibham, A. Lasee and Kedzie.

To committee on **Ways and Means**.

Assembly Bill 370

Relating to: commercial driver license testing for military license holders.

By Representatives Turner, Albers, Ballweg, Bies, Boyle, Garthwaite, Gunderson, Hahn, Hintz, Jeskewitz, Mason, Musser, Sheridan, Sinicki, Townsend, Travis, A. Williams, Zepnick and Hraychuck; cosponsored by Senators Erpenbach, S. Fitzgerald, Grothman, Hansen, Kedzie, Lassa, Leibham, Roessler and Schultz.

To committee on **Transportation**.

Assembly Bill 371

Relating to: creating income and franchise tax credits for certain electric motor vehicles and for motor vehicles that use gasoline and ethanol mixtures as fuel and highway specific information signs.

By Representatives Albers, Gronemus, Hahn, Hubler and Owens; cosponsored by Senators Schultz and Olsen.

To committee on **Biofuels and Sustainable Energy**.

Assembly Bill 372

Relating to: awarding costs in administrative agency actions.

By Representatives Friske, Vos, Bies, Gunderson, Mursau, Jeskewitz, Albers, Hahn, Musser and Townsend; cosponsored by Senators Schultz, Grothman, Leibham and Darling.

To committee on **Judiciary and Ethics**.

Assembly Bill 373

Relating to: an exemption from the witness exclusion rule in criminal and delinquency proceedings for a law enforcement officer designated by the state.

By Representatives Friske, Staskunas, Bies, Albers, Mursau, Ballweg, Vos, Jeskewitz, Hahn, Musser, Townsend and A. Ott; cosponsored by Senators A. Lasee, Schultz and Darling.

To committee on **Judiciary and Ethics**.

Assembly Bill 374

Relating to: creating a commercial driver license exception for municipal officials operating commercial motor vehicles.

By Representatives Friske, Petrowski, Gronemus, Mursau, Owens, Ballweg, Gunderson and Hahn; cosponsored by Senators Schultz and Roessler.

To committee on **Transportation**.

Assembly Bill 375

Relating to: the number of school days required each school term.

By Representatives Mursau, M. Williams, Nygren, Gottlieb, Vos, Kaufert, Ballweg, Gunderson, Musser, Albers, Owens, Jeskewitz, Gronemus, Kerkman, LeMahieu, Bies, Van Roy and Vruwink; cosponsored by Senators Kedzie and A. Lasee.

To committee on **Education**.

Assembly Bill 376

Relating to: the number of school days required each school term.

By Representatives Mursau, Vos, Gottlieb, Albers, Nygren, LeMahieu and Vruwink; cosponsored by Senator A. Lasee.

To committee on **Education**.

COMMITTEE REPORTS

The committee on **Energy and Utilities** reports and recommends:

Assembly Bill 229

Relating to: heated exterior pedestrian walkways.

Passage:

Ayes: 10 – Representatives Montgomery, Petersen, Hahn, Honadel, Davis, Nerison, Zepnick, Staskunas, Steinbrink and Soletski.

Noes: 0.

To committee on **Rules**.

Assembly Bill 322

Relating to: calculation of operating revenues of certain energy utilities for the purpose of determining spending on certain energy efficiency and renewable resource programs.

Passage:

Ayes: 10 – Representatives Montgomery, Petersen, Hahn, Honadel, Davis, Nerison, Zepnick, Staskunas, Steinbrink and Soletski.

Noes: 0.

To committee on **Rules**.

PHIL MONTGOMERY

Chairperson

Committee on Energy and Utilities

The committee on **Public Health** reports and recommends:

Assembly Bill 291

Relating to: a loan program for veterinary medicine students who agree to provide veterinary medical services to food-producing animals in this state, requiring the exercise of rule-making authority, and making an appropriation.

Passage:

Ayes: 8 – Representatives Hines, Ballweg, Moulton, Nerison, Benedict, Wasserman, Schneider and Black.

Noes: 1 – Representative Vukmir.

To joint committee on **Finance**.

Senate Bill 48

Relating to: expanding types of volunteer health care providers to include pharmacists and pharmacy technicians.

Concurrence:

Ayes: 9 – Representatives Hines, Vukmir, Ballweg, Moulton, Nerison, Benedict, Wasserman, Schneider and Black.

Noes: 0.

To committee on **Rules**.

J.A. HINES

Chairperson

Committee on Public Health

The committee on **Small Business** reports and recommends:

Assembly Bill 138

Relating to: an income and franchise credit for property taxes paid on restaurant kitchen machinery and equipment.

Assembly Substitute Amendment 1 adoption:

Ayes: 8 – Representatives Moulton, Murtha, Townsend, Van Roy, Ballweg, Hilgenberg, Hebl and Soletski.

Noes: 0.

Passage as amended:

Ayes: 8 – Representatives Moulton, Murtha, Townsend, Van Roy, Ballweg, Hilgenberg, Hebl and Soletski.

Noes: 0.

To joint committee on **Finance**.

Assembly Bill 161

Relating to: an individual income tax credit for the sales and use taxes paid on self-service laundry services.

Assembly Substitute Amendment 1 adoption:

Ayes: 8 – Representatives Moulton, Murtha, Townsend, Van Roy, Ballweg, Hilgenberg, Hebl and Soletski.

Noes: 0.

Passage as amended:

Ayes: 8 – Representatives Moulton, Murtha, Townsend, Van Roy, Ballweg, Hilgenberg, Hebl and Soletski.

Noes: 0.

To joint committee on **Finance**.

TERRY MOULTON

Chairperson

Committee on Small Business

The committee on **Urban and Local Affairs** reports and recommends:

Assembly Bill 254

Relating to: municipal boundary agreements and the use of alternative dispute resolution in municipal boundary disputes.

Passage:

Ayes: 9 – Representatives Gottlieb, LeMahieu, Gunderson, Lothian, Pridemore, Berceau, Turner, Hintz and Parisi.

Noes: 0.

To committee on **Rules**.

Assembly Bill 255

Relating to: Department of Administration advisory review of certain annexations.

Passage:

Ayes: 5 – Representatives Gottlieb, LeMahieu, Gunderson, Lothian and Pridemore.

Noes: 4 – Representatives Berceau, Turner, Hintz and Parisi.

To committee on **Rules**.

Assembly Joint Resolution 39

Relating to: different property tax levy rates for parts of cities, villages, towns, counties, and school districts added by attachments to school districts, consolidations, and boundary changes under cooperative agreements (first consideration).

Assembly Substitute Amendment 1 adoption:

Ayes: 9 – Representatives Gottlieb, LeMahieu, Gunderson, Lothian, Pridemore, Berceau, Turner, Hintz and Parisi.

Noes: 0.

Adoption as amended:

Ayes: 9 – Representatives Gottlieb, LeMahieu, Gunderson, Lothian, Pridemore, Berceau, Turner, Hintz and Parisi.

Noes: 0.

To committee on **Rules**.

MARK GOTTLIEB

Chairperson

Committee on Urban and Local Affairs

CHIEF CLERK REPORTS

The Chief Clerk records:

Assembly Bill 36

Assembly Bill 227

Presented to the Governor on Tuesday, May 29.

PATRICK E. FULLER

Assembly Chief Clerk

SPEAKER'S COMMUNICATIONS

May 25, 2007

Patrick Fuller

Assembly Chief Clerk

17 West Main Street, Suite 401

Madison, WI 53708

Dear Patrick:

Pursuant to Assembly Rule 42 (3)(c), I am withdrawing **Assembly Bill 352** from the Assembly Committee on Education Reform and re-referring it to the Assembly Committee on Education. I have the consent of Representative Pridemore, chairman of the Assembly Committee on Education Reform, to take this action.

Please call Jodi Jensen of my office if you have any questions.

Sincerely,

MIKE HUEBSCH

Assembly Speaker

COMMUNICATIONS

May 23, 2007

Patrick Fuller

Assembly Chief Clerk

17 West Main Street, Suite 401

Madison, WI 53708

Dear Patrick:

I respectfully request that my name be added as a co-sponsor of Assembly Bill 341, relating to impact and parkland dedication fees. This bill was introduced by Representative Mark Gottlieb.

I appreciate your assistance with this matter.

Sincerely,
CAROL ROESSLER
State Senator
18th Senate District

State of Wisconsin
Office of the Secretary of State
Madison

To Whom It May Concern:

Acts, Joint Resolutions and Resolutions deposited in this office have been numbered and published as follows:

<u>Jt. Res. Number</u>	<u>Enrolled Number</u>	<u>Publication Date</u>
Assembly Joint Res. 10	.. 15	Not Published
Assembly Joint Res. 48	.. 16	Not Published

Sincerely,
DOUGLAS LA FOLLETTE
Secretary of State

REFERRAL OF AGENCY REPORTS

State of Wisconsin
Department of Health and Family Services
Madison

May 18, 2007

To the Honorable, the Legislature:

The Department of Health and Family Services is pleased to submit to the Governor and the Legislature the Wisconsin Tobacco Prevention and Control Program 2006 Annual Report. The report is required by s. [255.15\(4\)](#) Wis. Stats as enacted under [2003 Wisconsin Act 33](#).

Sincerely,
KEVIN R. HAYDEN
Secretary

Referred to committee on **Health and Health Care Reform**.

AGENCY REPORTS

State of Wisconsin
Legislative Audit Bureau
Madison

May 22, 2007

To the Honorable, the Assembly:

As requested by the Joint Legislative Audit Committee, we have completed an evaluation of wetland regulatory programs

administered by the Department of Natural Resources (DNR). In fiscal year 2005-06, estimated expenditures for wetland regulatory activities, including permitting, enforcement, and mapping, totaled \$1.75 million, including \$1.43 million in salaries and fringe benefits for an estimated 19.3 full-time equivalent employees.

Most projects that disturb wetlands require approval from both DNR and the United States Army Corps of Engineers. From January 2001 through June 2006, DNR approved 3,582 permits, or 82.6 percent of the applications it received. However, the process is complicated and requires frequent communication with applicants. Although DNR generally issued permits within 120 days, as required by statute, 282 decisions took longer than one year from when the application was received.

Other states differ in the manner and extent to which they regulate wetlands. For example, local governments, rather than state agencies, approve permits for activities that disturb wetlands in Minnesota. Further, most midwestern states require compensation for permitted wetland losses, although Wisconsin does not. As a result, DNR approved only 52 compensatory mitigation projects from February 2002 through June 2006.

We make recommendations to simplify the permitting process and improve program management, including establishing categories of general permits, providing additional guidance to applicants, improving coordination with federal agencies, and tracking permitted wetland losses. We also include recommendations for DNR to report to the Joint Legislative Audit Committee by December 31, 2007, with options for increasing the use of mitigation banking, eliminating duplicative state and federal permits, and improving its wetland maps.

We appreciate the courtesy and cooperation extended to us by DNR and other state and federal agencies. DNR's response follows the appendices.

Respectfully submitted,
JANICE MUELLER
State Auditor

ADJOURNMENT

Representative Strachota moved that the Assembly stand adjourned until 10:00 A.M. on Thursday, May 31.

The question was: Shall the Assembly stand adjourned?

Motion carried.

The Assembly stood adjourned.

3:16 P.M.